



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

AUSTRALIAN WORKPLACE SAFETY STANDARDS BILL 2005

NATIONAL OCCUPATIONAL HEALTH AND SAFETY COMMISSION (REPEAL, CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005

HIGHER EDUCATION LEGISLATION AMENDMENT (2005 BUDGET MEASURES) BILL 2005

HEALTH INSURANCE AMENDMENT (MEDICAL SPECIALISTS) BILL 2005

**SUPERANNUATION LEGISLATION
AMENDMENT (SUPERANNUATION SAFETY
AND OTHER MEASURES) BILL 2005**

Second Reading

SPEECH

Thursday, 18 August 2005

BY AUTHORITY OF THE SENATE

SPEECH

Date Thursday, 18 August 2005
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Questioner
Speaker Minchin, Sen Nick

Source Senate
Proof No
Responder
Question No.

Senator MINCHIN (South Australia—Minister for Finance and Administration) (10.34 am)—I move:

That these bills be now read a second time.

I seek leave to have the second reading speeches incorporated in *Hansard*.

Leave granted.

The speeches read as follows—

AUSTRALIAN WORKPLACE SAFETY STANDARDS BILL 2005

The Australian Safety and Compensation Council is a new body to be established by the Government to replace the National Occupational Health and Safety Commission.

The Council is an advisory body which, through a partnership of governments, employers and employees, will lead and coordinate national efforts to prevent workplace death, injury and disease and improve workers' compensation arrangements and the rehabilitation and return to work of injured employees.

The Council will establish a national approach to workplace safety and workers compensation which currently does not exist in Australia. Most importantly the Council will provide the perfect setting for the promotion of greater consistency and uniformity amongst the various jurisdictions.

Although the Council is to be established administratively, however, as a result of representations from stakeholders, and in particular from the Australian Chamber of Commerce and Industry and the ACTU, the Government has agreed to provide the power to declare national standards or codes of practice in legislation.

This bill, therefore, enables the new Council to continue this important task previously undertaken by the National Occupational Health and Safety Commission.

Declaration of national standards and codes of practice is essential to ensuring workplace safety in Australia. Standards and codes declared by the Council provide nationally consistent frameworks in which safety can be managed by employers and employees in certain industries or in relation to certain hazards. It also means that jurisdictions can adopt the standards in their legislation, thereby ensuring that there are appropriate sanctions and penalties for failing to comply with certain workplace safety obligations.

The process of declaring standards which are suitable for adoption in legislation by jurisdictions assists in improving uniformity of occupational health and safety regulation in Australia. We are often told by employers that they have to operate within a myriad of different regulatory frameworks in Australia. Accordingly, the declaration of occupational health and safety standards and codes, which can be adopted in state and territory legislation, is an important step in reducing duplication and inconsistent regulation.

The Australian Government is committed to ensuring that Australian workplaces are as safe as possible, and that injured workers are assisted with their rehabilitation and return to work. This bill will allow the new Council to continue to work in partnership with state and territory governments, employer groups and employee organizations, to promote national consistency in occupational health and safety for workers in Australia.

NATIONAL OCCUPATIONAL HEALTH AND SAFETY COMMISSION (REPEAL, CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005

This bill implements the Australian Government's decision to abolish the National Occupational Health and Safety Commission.

In its response to the Productivity Commission's Report on National Workers Compensation and Occupational Health and Safety Frameworks, the Government announced its intention to pursue the goal of greater national consistency in these areas through the establishment of a new body.

The National Occupational Health and Safety Commission will be replaced by the Australian Safety and Compensation Council. The Council's functions will include the declaration of national standards and/or codes of practice relating to occupational health and safety.

The bill provides for the transfer of the Commission's assets to the Commonwealth and contains provisions that will ensure continuity between the two standard setting bodies.

This bill provides for National Standards and Codes of Practice that have been issued by NOHSC, to be read as if issued by the ASCC. It also preserves the effect of any public consultations that are underway and allows for these to be treated as if they had been undertaken by the ASCC.

The National OHS Strategy 2002-2012 and the Business Plan underpinning it, are also important components of the work of NOHSC that will be transferred to the ASCC.

The Government sees the Australian Safety and Compensation Council as a way of revitalising the approaches to occupational health and safety and workers compensation.

HIGHER EDUCATION LEGISLATION AMENDMENT (2005 BUDGET MEASURES) BILL 2005

Australia's higher education sector will benefit from a record \$7.8 billion investment from the Australian Government in this year's 2005-06 Budget.

The Government's continuing commitment to the university sector will provide students with better facilities and more course options across a range of campuses.

This bill now before the Senate is a clear expression of that commitment to higher education, as it will honour two important election commitments for new places and capital funding.

As part of a range of new initiatives and to reflect Australia's global expertise in many academic fields—such as tropical sciences—this bill contains additional funding to ensure that our universities remain at the forefront of new skills developments.

Recognising the importance of tropical sciences, the Australian Government is providing \$26 million to James Cook University for veterinary science and tropical agriculture.

Earlier this year the Government allocated infrastructure funding of \$12 million over two years towards a new veterinary science school at James Cook University's Townsville campus with a link to the Cairns campus. The new facility will fulfil all of the normal functions of a veterinary school, but in addition will provide a unique focus on tropical animal husbandry and diseases. The new school will play a role in developing preventative measures and early detection of diseases in livestock.

This bill now before us also provides funding for 50 new places to establish a new undergraduate degree programme in veterinary science at the school from 2006. These places will provide opportunities to students, particularly in rural and regional Australia, and ensure that Australia has veterinarians with expertise in tropical animal diseases.

Funding for 50 new places will also be allocated to create a new undergraduate degree programme in tropical agriculture, giving graduates expertise in tropical plants and exposure to vital research in areas such as sugar cane production.

These 100 new places in veterinary science and tropical agriculture commence in 2006 and will rise to 274 places by 2009, at a cost of \$13.9 million.

Expert understanding in tropical animal diseases and in tropical agriculture is vital to Australia's national prosperity. New diseases can have devastating consequences across the nation. Equally, breakthroughs in the production of plants that thrive in a tropical climate can boost crop production and the livelihoods of many Australians, particularly those in rural and regional communities.

It is essential that Australia continues to develop expertise in these fields. The new veterinary science school and undergraduate courses will help position James Cook University as a leader in teaching and research in veterinary science and tropical agriculture and will further enhance Australia's international reputation in these fields.

These measures are a reflection of the Australian Government's commitment to providing the communities of North Queensland with greater opportunities in education and research.

The other vital election commitment delivered through this bill relates to new capital infrastructure funding for the University of Western Sydney. Teaching, research and student facilities at the University will be enhanced through an additional \$25 million over the next three years.

In 2006, \$7 million will be provided for the development of a medical training facility at the Campbelltown campus. The new medical training facility will complement the existing wide range of health science disciplines offered at the Campbelltown campus, including occupational therapy, and medical science.

The facility will also complement the University's proposed new medical school to which the Government committed \$18 million in the 2004-05 Budget. This brings the Government's total contribution to the medical school to \$25 million. The new medical school will enhance and improve the teaching hospital capacity and the delivery of health and medical services in Western and South Western Sydney. It will also provide opportunities for local students to study medicine in their own region.

In addition to the medical training facility, \$2 million will be provided to the University of Western Sydney for an upgrade of research and training facilities at the Hawkesbury campus. The Hawkesbury campus is a national leader in plant, agricultural and food systems research, and in the teaching of courses related to these activities. The funds will assist the University to purchase a state-of-the-art environmental electron microscope, which will be uniquely adapted for agricultural and food systems research and which will significantly enhance the University's capacity for performing high-level biological analysis. The funds will also help to upgrade critical teaching infrastructure with particular emphasis on horticulture, food science and agricultural sciences.

The Government will also provide \$9 million towards the establishment of a new building for teaching at the University's Parramatta campus. The University also has a strong record in teaching health and human service professionals, including at the Parramatta campus. The new teaching building will greatly expand the current capacity of the Parramatta campus.

A further investment of \$7 million will assist with construction of a new library at the University's Penrith campus. The funding will provide library services for staff and students, and expand the library services available for the benefit of the broader Penrith community. A library will also enable the University to use existing space to consolidate its visual and performing arts into a new creative arts precinct on the campus.

Mr Speaker these initiatives reflect the Australian Government's ongoing commitment to building better communities and providing education opportunities in Western Sydney.

This bill will also amend the maximum funding amounts under the Higher Education Support Act 2003 and maximum amounts for transition funding under the Higher Education Funding Act 1988, to reflect indexation increases.

This bill will enhance the quality of our higher education system and the choices available to students. It reflects the Australian Government's strong commitment to ensuring that Australia's higher education sector continues to play a vital role in our economic, cultural and social development.

Full details of the measures in the bill are contained in the Explanatory Memorandum circulated to honourable Senators.

I commend the bill to the Senate.

HEALTH INSURANCE AMENDMENT (MEDICAL SPECIALISTS) BILL 2005

The purpose of this bill is to reduce unnecessary red tape for medical practitioners seeking to provide specialist or consultant physician services under Medicare.

This legislative amendment does not bestow specialist or consultant physician status on medical practitioners. Medical practitioners are identified as specialists or consultant physicians by Medical Boards when they are registered, on the advice of specialist medical colleges.

With Australia experiencing shortages in the medical workforce, it is important that the administrative processes are made more efficient and timely, to ensure that appropriately qualified specialists and consultant physicians enter the workforce as quickly as possible.

Currently, a medical practitioner can be recognised as a specialist for Medicare rebate purposes in three ways.

The first is Fellowship of a specialist medical college.

The second is application to my Delegate, who refers applications to State or Territory Specialist Recognition Advisory Committee (SRAC).

The third for medical practitioners not domiciled in Australia at the time of application is application to the Health Minister to make a determination to recognise a medical practitioner as a specialist or consultant physician.

Referrals to SRACs may have been effective in the past by providing a structure for the assessment of specialists who were not eligible for automatic recognition. However, since these committees were established, specialist medical colleges and

Medical Registration Boards have developed and implemented assessment processes which are now used by the SRACs in making their determinations. Because SRACs rely on the assessment advice of specialist medical colleges and Medical Registration Boards in making their decision, the Committees now add a redundant administrative layer to processing applications. This unnecessarily extends the period of time between the registration of specialists and when they can provide services which attract Medicare rebates.

It is proposed to disband the SRACs. The amendment proposes to make provision for my Delegate to act directly on my behalf, without referral to a SRAC. Under the new process, registered medical practitioners will apply in writing directly to me through my Delegate in the HIC for recognition as specialists or consultant physicians for the purposes of the Act.

Transitional arrangements have been provided to ensure the continued recognition of specialists and consultant physicians previously recognised by SRACs. Provision has also been made for the Delegate to immediately consider applications currently with SRACs at the time they are disbanded.

Those sections of the Health Insurance Act 1973 relating to the provision of Medicare provider numbers remain in effect.

This Bill represents a minor procedural change. The objective of the change is to reduce the complexity currently involved in the recognition of medical specialists and consultant physicians under the Medicare system. It is anticipated that this amendment will significantly reduce the time between the receipt of an application from a medical practitioner and recognition.

SUPERANNUATION LEGISLATION AMEND-MENT (SUPERANNUATION SAFETY AND OTHER MEASURES) BILL 2005

The Superannuation Legislation Amendment (Superannuation Safety and Other Measures) Bill 2005 will amend the Superannuation Act 1976; the Superannuation Act 1990; and the Superannuation Act 2005. Following the passage of legislation similar amendments will be made to the PSS Trust Deed and Rules under the Superannuation Act 1990. The bill makes amendment to the Superannuation Act 1976 to provide for the application to the CSS Board of the new fitness and propriety operating standard under the Superannuation Industry (Supervision) Act 1993, to provide for reduced reliance on acting members of the CSS Board, and for the use of proxies at Board meetings. The bill also allows the CSS and PSS Boards to delegate certain functions to its staff, broadens the type of information that can be provided to members via their employers, allows negative crediting rates to be applied to amounts held in the CSS and authorises certain payments made incorrectly to a small number of CSS members.

The bill amends the Superannuation Act 1976 to provide that persons appointed as substantive and acting CSS Board members have to meet the new fit and proper standard under the Superannuation Industry (Supervision) Act 1993 and that the Minister for Finance and Administration may terminate the appointment of any Board member who does not meet the standard. These amendments will place the same obligations on the CSS Board as for other trustees of superannuation funds in relation to having to comply with fitness and proprietary requirements.

The proposed amendments also provide for members of the CSS Board to be able to participate in meetings when overseas to reduce the reliance on acting members, to instruct other members as proxies for purposes of voting and for disclosing conflicts of interest at Board meetings. Other proposed changes in Schedule 1 include amending existing provisions of the Superannuation Act 1976; the Superannuation Act 1990; and the Superannuation Act 2005 to allow the CSS and PSS Boards to delegate certain functions to their staff which will improve the administrative efficiency of the Boards.

The bill also makes minor amendments to the Superannuation Act 1976 and the Superannuation Act 1990 to broaden the type of information that can be provided to scheme members via their employers, provided that this would not breach the Corporations Act 2001 or any other Act.

The bill will also amend the Superannuation Act 1976 to allow negative crediting rates (negative earnings) to be applied to amounts held by members in the CSS. This will ensure members bear the investment risk relating to their account balances in the CSS Fund and follows on from the announcement by the CSS Board of the introduction of member investment choice. Similar changes will be made to the Public Sector Superannuation Scheme through a PSS Amending Trust Deed.

Under current arrangements it is difficult for the CSS and PSS Boards to equitably distribute Fund earnings between members who leave the scheme and those who stay, especially when market conditions have led to negative fund reserves.

Allowing negative crediting rates brings the CSS and PSS into line with usual arrangements for funded accumulation components of superannuation benefits in that members will bear the risk of their investment choice.

The bill will also amend the Superannuation Act 1976 to authorize a small number of CSS benefit payments that were incorrectly paid.

Debate (on motion by **Senator Minchin**) adjourned.

Ordered that the Australian Workplace Safety Standards Bill 2005 and the National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005 be listed on the *Notice Paper* as one order of the day, and the remaining bills be listed as separate orders of the day.